

HONORABLE THOMAS S. ZILLY

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

HUNTERS CAPITAL, LLC, et al.,

Plaintiffs,

v.

CITY OF SEATTLE,

Defendant.

Case No. 20-cv-00983

DECLARATION OF JULIE KIPP

I, Julie Kipp, declare as follows:

1. I am the City of Seattle's Citywide Public Records Act ("CPRA") Program Manager. CPRA is in the Data Privacy, Accountability, and Compliance Division in the City's IT Department. I am over age 18, competent to be a witness, and making this declaration based on facts within my own personal knowledge.

2. I began working for the City on December 14, 2020, when I was hired into my current position. I understand that my department began working to improve its text message preservation system before my arrival.

3. I understand based on reviewing contract renewal documents that the City purchased 10 licenses to use a product from Smarsh called Professional Archive in or around the Fall of 2020. When a device is enrolled in Smarsh's Professional Archive, all SMS text messages

DECLARATION OF JULIE KIPP - 1
(Case No. 20-cv-00983)

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1 sent or received by the enrolled device will be saved and archived in their third-party platform. In
2 the Spring of 2021, the City enrolled the devices of former Mayor Durkan, former Chief Best,
3 Chief Scoggins, and certain other high-level City employees in Smarsh. When these enrollments
4 occurred, the City was actively discussing a long-term plan for text message archival and storage.

5 4. After enrolling these individuals in Smarsh, my department found that Smarsh did
6 not easily integrate into our Microsoft Office 365 platforms that we search. We spent several
7 months in the Spring of 2021 exploring different SMS options.

8 5. In November 2021, the City contracted with a company called TeleMessage¹ to
9 meet its text message retention needs. TeleMessage works with cell phone carriers to capture and
10 archive SMS messages sent and received from enrolled devices.

11 6. Since contracting with TeleMessage and as of the date of this Declaration, the City
12 has enrolled over 6,000 devices out of a total of approximately 7,100 devices. My program
13 continues to work with the rest of the City's IT department to ensure maximum enrollment in
14 TeleMessage and expects to complete enrollment no later than July 2023 and likely earlier. With
15 TeleMessage and proper policies fully deployed, the City's public disclosure officers will have
16 centralized, streamlined access to the responsive text messages of City staff. The City's current
17 TeleMessage contract runs through at least 2025.

18 7. TeleMessage is prospective and cannot be used to recover messages that were sent
19 or received prior to the device's full enrollment in TeleMessage. In addition, because
20 TeleMessage captures only SMS messages and not iMessages, all city-issued iPhones must disable
21 iMessage to ensure TeleMessage is capturing all SMS messages. Seattle IT is currently working on
22 a rollout of this policy. For any City employees whose job duties require the use of iMessage or
23 FaceTime, the City is taking other steps to help ensure that messages responsive to public records
24 and other requests are properly located when requested.

25

¹ In July 2022, Smarsh acquired TeleMessage. I continue to refer to our current program as TeleMessage to
differentiate from the City's prior acquisition of 10 Smarsh licenses.

9. The City continues to take its Public Records Act compliance obligations seriously. Not only will all City devices soon be enrolled in TeleMessage, but the City is providing additional training regarding retention requirements to all City employees.

DATED this 27th day of October, 2022, at Tacoma, Washington.


JULIE KIPP